

Application No. 10/008,575
Amendment dated September 11, 2003
Response to Office Action of March 11, 2003

REMARKS

The Specification has been amended to correct inadvertent typographical and clerical errors. The reference to related applications has been amended in accordance with the language preferred by the Patent and Trademark Office. The amendment at page 10 is clearly supported by the context of the application. None of the amendments made herein constitutes the addition of new matter.

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THE REQUIREMENT FOR RESTRICTION

The Patent Office has required restriction under 35 U.S.C. 121, alleging that the claims represent three distinct inventions:

- I. Claims 1-9 is drawn to a method for diagnosing muscle protein wasting in a patient, classified in class 435, subclass 7.1.
- II. Claims 10-14 is drawn to a method of preventing or reducing the degradation of muscle protein in a subject, classified in class 424, subclass 439.
- III. Claims 15-17 is drawn to a method of increasing muscle mass or preventing loss of muscle mass in a subject, classified in class 435, subclass 184.

Applicants elect with traverse the claims of Group III for examination. The claims of Group III are drawn to methods of increasing muscle mass or preventing loss of muscle mass by administering an inhibitor of caspase or an inhibitor of a caspase activator. The claims of Group II are drawn to methods of preventing or reducing the loss of muscle mass by administering an inhibitor of caspase or an inhibitor of a caspase activator. Because of the shared technical feature and the similarity of breadth of the method steps, Applicants respectfully request that the claims of Groups II and III be examined together. It is respectfully submitted that with the relatedness of the methods steps, there would be no undue burden imposed upon the Patent and Trademark Office.

Conclusion

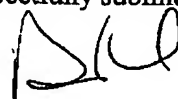
In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested.

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If there are any outstanding issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

This amendment is accompanied by a Petition for Extension of Time (five months) with authorization to charge the amount of \$985.00, as required under 37 C.F.R. 1.17. It is believed that this response does not necessitate the payment of any additional fees under 37 C.F.R. 1.16-1.17. If the amount submitted is incorrect, however, please charge the necessary amount to Deposit Account No. 07-1969.

Respectfully submitted,



Donna M. Ferber
Reg. No. 33,878

GREENLEE, WINNER AND SULLIVAN, P.C.
5370 Manhattan Circle, Suite 201
Boulder, CO 80303
Telephone (303) 499-8080
Facsimile: (303) 499-8089
Email: winner@greenwin.com

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